

REMARKS

In connection with the above-identified Office Action regarding Applicant's reissue application of U.S. Patent No. 6,015,425 dated January 23, 2000, Applicant submits the within Amendment, which amends Claims 1, 12, 23 and 33 to describe an arcuate, continuously curved, bendable fragrant odor emitting intra nasal clip, which is insertable within the nostrils of a person, and which is attached to the septum of the person, such that the fragrance odorant pads at the distal ends thereof are physically separated from the septum, as noted in the specification of issued U.S. Patent No. 6,015,425 at column 2, lines 54-57.

Claim 18 is amended to change its dependency to Claim 12.

With respect to the cited prior art of U.S. Patent No. 3,463,149 of Albu, unlike amended Claims 1, 12, 23 and 33, Albu '149 does not have a bendable continuously curved, arcuate band, since Albu's nasal clip has the discontinuous, angled U-shaped form of a "Y" with right angles, like a football goal post standing on a single post. Moreover, the odor-emitting portions of Albu '149 are rounded conical cotton swabs, which physically contact the septum of the user. In contrast Applicant's amended Claims 1, 12, 23 and 33 describe a nasal clip with outwardly extending distal ends, physically separated from the nasal septum of the user, as shown in Figures 1 and 3-6.

Pursuant to the duty of disclosure under the manual of Patent Examining Procedure, Applicant informs the Examiner that Applicant has a pending related application filed under serial no. 10/280,682 entitled "NASAL AROMATHERAPY DISPENSER CLIP, which was filed on October 25, 2002, more than one year after the publication of the above noted U.S. Patent No. 6,015,425. Application serial no. 10/280,682 was published as publication number 20040079814 on April 29,

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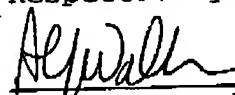
2004. That application was subject to an Office Action of January 29, 2004, which was responded to in an Amendment filed July 29, 2004. In the Office Action, the Claims were rejected as being anticipated by U.S. Patent No. 1,579,486 of Pletcher, or as being obvious over Pletcher '486 in view of U.S. Patent No. 5,804,264 of Bowen and/or the above identified U.S. Patent No. 6,015,425 of Applicant James Altadonna, Jr. herein.

Pletcher '146 is different from the amended claims herein, since neither Pletcher '146 nor Bowen '264 have obliquely extending and outwardly extending distal ends with odorant pads thereon.

Applicant submits a Supplemental Information Disclosure Statement, listing the previously undisclosed references herein, which were cited in the aforementioned application Serial No. 10/280,682. The other references, cited in Serial No. 10/280,682, of US Patent No. 4,267,831 of Aguilar and 5,417,205 of Wang, are already on record herein. Please deduct the small entity fee under 1.17(p) from Applicant's attorney's Deposit Account No. 23-0120.

Applicant submits that the Application is in condition for allowance, which allowance is earnestly solicited.

Respectfully submitted,



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8-24-04 pat4 amendment

CERTIFICATE OF MAILING

I hereby certify that the attached correspondence is being deposited by fax to 703-872-9306 on the date indicated below.

Date: August 24, 2004



Alfred M. Walker